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Attorneys for Defendants

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, As Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST,

Plaintiff,

v.

RYOBI TECHNOLOGIES, INC., a Delaware corporation; TECHTRONIC INDUSTRIES NORTH AMERICA, INC.; and DOES 1-100

Defendants.

CASE NO. 3:08-cv-00070-BTM-CAB

DECLARATION OF ROBERT S. MALLIN IN SUPPORT OF RYOBI TECHNOLOGIES, INC.'S AND TECHTRONIC INDUSTRIES NORTH AMERICA, INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE

Date: August 8, 2008
Time: 11:00 a.m.
Courtroom: 15
Hon. Barry Ted Moskowitz

NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT

I, Robert S. Mallin, declare:

1. I am a member of the bar of the state of Illinois, and I am a partner at the law firm of Brinks Hofer Gilson & Lione, which represents RYOBI TECHNOLOGIES, INC. and TECHTRONIC INDUSTRIES NORTH AMERICA, INC. in this action. I am admitted *pro hac vice* in this case. I make this declaration pursuant to Civ LR 7.1(f)(2)(a) in support of RYOBI TECHNOLOGIES, INC.'S AND TECHTRONIC INDUSTRIES NORTH AMERICA, INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE.

2. Attached at Exhibit 1 is a true and correct copy of a letter dated May 6, 2008

3. Attached at Exhibit 2 is a true and correct copy of a letter dated May 27, 2008

4. Attached at Exhibit 3 is a true and correct copy of a letter dated June 3, 2008.

5. Attached at Exhibit 4 is a true and correct copy of a letter dated June 6, 2008

6. SRDT did not respond to the letter dated June 6, 2008.

7. Attached at Exhibit 5 is a true and correct copy of a letter dated July 10, 2006.

8. Attached at Exhibit 6 is a true and correct copy of a letter dated November 30, 2007.

9. Attached at Exhibit 7 is a true and correct copy of a letter dated January 30, 2008 along with a true and correct copy of the Declaration of William Chen.

10. Attached at Exhibit 8 is a true and correct copy of a letter dated January 30, 2008.

11. Attached at exhibit 9 is a true and correct copy of the deposition of Robert Bugos that was filed by SRDT in Case No. 3:08-cv-00060-BTM-CAB on April 23, 2008 as Docket Entry No. 37-6.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of July, 2008.

/s/ Robert S. Mallin

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